



May 26, 2010

TO: Prospective Bidders

RE: FBR 750-10 - Passenger Waiting Shelters

ADDENDUM NO. 3

This Addendum No. 3 is issued to DELETE the following language from Pages 22 and 23, Item #17 under MINORITY VENDOR PARTICIPATION:

The City of Asheville has adopted a Minority Business Plan to encourage participation by **DBE'S and** minority businesses in the award of contracts. Bidders are hereby notified that this bid is subject to the provisions of that Plan. Questions regarding the Minority Business Plan may be directed to the Minority Business Coordinator at (828)232-4566 or to the Office of the Purchasing Manager for the City of Asheville at the number shown above. It is the policy of the City to (1) provide minorities an equal opportunity to participate in all aspects of its contracting and procurement programs; (2) prohibit any and all discrimination against persons or businesses in pursuit of these opportunities. Minority participation goals for procurement contracts are: 5% for African Americans; 2% Hispanic, Asian & Native Americans; and 18% for women-owned businesses.

And to ADD the following language to Pages 22 and 23 as Item #17 under Disadvantaged Business Enterprise Program:

The U.S. Department of Transportation (FTA) Disadvantaged Business Enterprise Program (DBE) goals are hereby made a part of these contract documents. The goals for participation by Disadvantaged Business Enterprise firms and subcontractors on this project have been set by the City of Asheville, North Carolina at 3.77%, In accordance with Federal Regulation, 49CFR, Part 26, dated February 1999. The North Carolina Department of Transportation (NCDOT) Directory of Certified Disadvantaged Businesses can be found at <https://apps.dot.state.nc.us/vendor/directory/>. If you have questions regarding DBE outreach, please contact Yuri Koslen, Transit Projects Coordinator at (828) 232-4522 or ykoslen@ashevillenc.gov.

- DIRECTIONS:
- (A) **DISREGARD** ADDENDUM NO. 2 - ADVERTISEMENT ADDENDUM
 - (B) **REMOVE** ORIGINAL BID PAGES 22 AND 23 FROM BID PACKAGE
 - (C) **REPLACE** WITH BID PAGES 22 AND 23

This Addendum No. 3 must be signed and returned as described above as part of your bid package. Bids submitted without this Addendum No. 3 may not be considered responsive.

Amy Patterson
Purchasing Manager

Addendum Received and Acknowledged By:

Company _____

Representative's Name: _____

Title: _____ Date: _____

PURCHASING
CITY OF ASHEVILLE
POST OFFICE BOX 7148
ASHEVILLE, NC 28802

(828) 259-5950

CITY OF ASHEVILLE, NORTH CAROLINA
ADVERTISEMENT FOR BIDS AND PROPOSALS
REQUEST FOR PROPOSALS BID NO. FBR #750-10

ADDENDUM NO. 3

PASSENGER WAITING SHELTERS
FOR THE CITY OF ASHEVILLE
TRANSPORTATION DEPARTMENT/TRANSIT DIVISION

Pursuant to North Carolina General Statutes 143-129 sealed bids for PASSENGER WAITING SHELTERS for the City of Asheville Transportation Department/Transit Division will be received by Amy Patterson, Purchasing Manager, in the Purchasing Division Offices, #3 Hunt Hill Place Asheville, NC until 3:00 PM on Tuesday, June 7, 2010 at which time they will be publicly opened and read.

Proposal forms, instructions and specifications may be obtained at <http://www.ashevillenc.gov/business/subpage.aspx?id=534> or the Purchasing Office Monday through Friday, 8:30 a.m. - 5:00 p.m. Phone (828) 259-5950. If bid addenda are issued, they will be posted to this web site no less than seven (7) days prior to the bid opening date. Each addendum will be identified by number. Bidders are urged to check this page prior to submitting a bid response to assure that they have obtained all addenda that may have been issued for the bid package in question. Bid addenda should be acknowledged (signed) and included with the bid response. Bid responses submitted without acknowledged addenda may be rejected.

The U.S. Department of Transportation (FTA) Disadvantaged Business Enterprise Program (DBE) goals are hereby made a part of these contract documents. The goals for participation by Disadvantaged Business Enterprise firms and subcontractors on this project have been set by the City of Asheville, North Carolina at 3.77%, In accordance with Federal Regulation, 49CFR, Part 26, dated February 1999. The North Carolina Department of Transportation (NCDOT) Directory of Certified Disadvantaged Businesses can be found at <https://apps.dot.state.nc.us/vendor/directory/>. If you have questions regarding DBE outreach, please contact Yuri Koslen, Transit Projects Coordinator at (828) 232-4522 or ykoslen@ashevillenc.gov.

Bidders are notified of a City policy that prohibits contracting with persons or firms who are delinquent in the payment of ad valorem taxes owed to the City of Asheville.

The City of Asheville reserves the right to reject any or all proposals.

7. The City of Asheville reserves the right to postpone bid openings for its own convenience
8. **BID INQUIRIES:** Questions of a general nature (i.e. Can your bid response be faxed? Has your bid been received? Is a bid tabulation available?, etc.) can be answered by any member of our staff. Questions of a more specific nature (regarding Special Terms and Conditions or bid specifications) should be directed to the individual identified on page 1 (ISSUED BY).

Our office hours are Monday through Friday, 8:30 a.m. – 5:00 p.m. Telephone 828-259-5950.
9. **NONCONFORMING TERMS AND CONDITIONS:** A bid response that includes terms and conditions that do not conform to the terms and conditions in this bid document is subject to rejection as non-responsive. The City of Asheville reserves the right to permit the bidder/vendor to withdraw nonconforming terms and conditions from its bid response prior to a determination by the City of Asheville of non-responsiveness.
10. **BIDDERS SUBMITTALS:** Bidder must furnish all information requested herein including descriptive literature and/or complete specifications covering the products offered. Reference to literature submitted with a previous bid will not satisfy this provision. Bids which do not comply with these requirements will be subject to rejection. All documents submitted should bear the name of the bidder.
11. **PREPARATION OF FORMS:** All bids must be submitted on forms provided. Figures should be written in ink or typewritten. Any changes on the original bid should be made in ink and initialed by the person signing the bid. **NOTE:** If there are discrepancies between unit price quoted and extensions, the unit price will prevail.
12. **EXPENSES INCURRED IN PREPARING BID:** The City of Asheville accepts no responsibility for any expense incurred by the bidder in the preparation and presentation of a bid. Such expenses shall be borne exclusively by the bidder.
13. **TAX EXEMPTIONS:** The City of Asheville is exempt from Federal Excise Tax but not from State and Local Sales Tax. Sales tax should not be included in bid prices, but may be added as separate items.
14. **SUBMITTALS:** Bidders to submit one (1) original bid package. Packages should be mailed to the City of Asheville Purchasing Division, PO Box 7148, Asheville, NC 28802 or, if by ground, should be sent to #3 Hunt Hill Place, Asheville, NC 28801.
15. **VENDOR APPLICATION AND PRIVILEGE LICENSE:** Bidders/vendors MUST complete a City of Asheville Vendor Application and return it with their bid if your application has not been updated within the past 12 months. Bidders may submit vendor application online or download forms from the City's website at the following link: www.ashevillenc.gov. Look under the Business tab, select "Doing Business with the City" and "Vendor Application" from the list of options. Directions for online or hardcopy submittal are available at this link.
16. **DELIVERY:** Delivery shall be made F.O.B. Destination (Freight Prepaid and Allowed): City of Asheville Transit Garage, 360 West Haywood Street, Asheville, NC 28801.
17. **DISADVANTAGED BUSINESS ENTERPRISE PROGRAM:** The U.S. Department of Transportation (FTA) Disadvantaged Business Enterprise Program (DBE) goals are hereby made a part of these contract documents. The goals for participation by Disadvantaged Business Enterprise firms and subcontractors on this project have been set by the City of Asheville, North Carolina at 3.77%, In accordance with Federal Regulation, 49CFR, Part 26, dated February 1999. The North Carolina Department of Transportation (NCDOT) Directory of Certified Disadvantaged Businesses can be found at <https://apps.dot.state.nc.us/vendor/directory/>. If you have questions

17. **DISADVANTAGED BUSINESS ENTERPRISE PROGRAM** (Continued) regarding DBE outreach, please contact Yuri Koslen, Transit Projects Coordinator at (828) 232-4522 or ykoslen@ashevillenc.gov.
18. **EVALUATION AND SELECTION OF BIDS:** The evaluation of bids shall center on the match between the stated specification requirements in the final bid request and the vendor's proposed equipment including selection of the lowest responsible/responsive bidder, with consideration of past performance, service record, and reliability.
- The statutory provisions controlling purchasing by local governments in N. C. (RE: G.S. 143) includes selection standards for use in making awards. The provision reads, "All contracts, shall be awarded to the lowest responsible bidder, taking into consideration quality, performance and the time specified in the bids for performance of the contract."
- The City of Asheville reserves the right to accept or reject any or all bids and proposals and further specifically reserves the right to make the award or awards in the best interest of the City of Asheville.
19. **AD VALOREM TAXES:** Bidders/Vendors please note that City Policy, adopted by City Council Resolution No. 93-139, prohibits the City from entering into contracts with persons or firms who are delinquent in the payment of ad valorem taxes owed to the City of Asheville.
20. **CONTRACT/AWARD:** Pursuant to the laws governing public contracts in North Carolina, the successful bidder's/vendor's response to this Request for Quotation and any addenda thereto, plus the issuance of a City of Asheville Purchase Order for the proposed goods and/or services shall constitute a binding contract.
21. **INDEMNIFICATION:** The bidder/vendor covenants to save, defend, keep harmless, and indemnify the City of Asheville and all of its officers, departments, agencies, agents, and employees from and against all claims, loss, damage, injury, fines, penalties and cost - including court costs and attorney's fees, charges, liability, and exposure, however, caused - resulting from, arising out of, or in any way connected with the bidder's/vendor's negligent performance or nonperformance of the terms of the contract.
22. **ASSIGNMENT:** During the performance of the contract, the bidder/vendor shall not assign, transfer, convey, sublet, or otherwise dispose of any award or any or all of its rights, title, or interest therein, without the prior written consent of the City of Asheville.
23. All bids shall be made firm for no less than ninety (90) days.
24. **INVOICES AND PAYMENTS:** ALL INVOICES AND PACKAGES MUST BEAR THIS PURCHASE ORDER NUMBER. Rejected materials will be returned to the Vendor at the Vendor's risk and expense. Cash discounts will be deducted as provided herein, or in accordance with the terms of your quotation or bid. DISCOUNT PERIOD WILL DATE FROM RECEIPT OF INVOICE OR RECEIPT OF GOODS, WHICHEVER IS LATER. NET PURCHASES WILL BE PAID 30 DAYS FROM DATE OF YOUR INVOICE. The City is exempt from Federal Excise Tax but not State and Local Sales Tax. This tax must be shown as separate items on invoice. Purchases for resale are covered by resale exemption No. 901-1-011-12821. SEND INVOICES TO: CITY OF ASHEVILLE ACCOUNTING DIVISION, P.O. BOX 7148, ASHEVILLE, N.C. 28802